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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,845	11/28/2001	Laurent Labrousse	032326-180	1985

7590 12/31/2003

James A. LaBarre
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/994,845

Applicant(s)

LABROUSSE ET AL.

Examiner

Lawrence D Ferguson

Art Unit

1774

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

QUINTANA A. KELLY
SUPERVISOR, EXAMINER
TECHNICAL
DEC 1 2003
1774

Cynthia H. Kelly

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues Keikhaefer does not contain any graphical elements printed on a translucent or transparent card. Examiner respectfully disagrees because Kiekhaefer shows a patterned transparent /translucent financial transaction card including a material sheet (substrate) and one or more layers of a filter on both sides of the card (column 2, lines 17-27) comprising filter dyes (claim 39, column 3, lines 14-28), and dyes with different levels of opacity, which may include opaque or translucent colored layers (ink, graphical elements, background layers) (claims 38-40, 48) which are disposed over the material sheet, where the coated material is printed (claim 1). Applicant argues the graphical elements of Keikhaefer would have the same level of opacity based on Figures 4a-4f. Applicant seeks to limit the scope of Keikhaefer's invention to Figures 4a-4f, which teach the various layers described in the invention. Claim 40 of Keikhaefer teaches different levels of opacity for different layers. Applicant further argues Takahashi does not contain any disclosure relating to graphical elements on a transaction card. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As previously mentioned Keikhaefer discloses shows a patterned transparent /translucent financial transaction card including a material sheet (substrate) and one or more layers of a filter on both sides of the card (column 2, lines 17-27) comprising infrared light reflecting filter and/or white colorants, tints (column 2, lines 57-59), filter dyes (claim 39, column 3, lines 14-28), and dyes with different levels of opacity, which may include opaque or translucent colored layers (ink, graphical elements, background layers) (claims 38-40, 48) which are disposed over the material sheet. Takahashi is cited to teach the conventionality of polyester resins mixed with filter dyes to make effective IR reflection layers. Applicant argues Lasch does not contain any suggestion that graphical elements are printed with background layers having different levels of opacity. Lasch shows a plastic card (column 1, lines 24-30 and column 6, lines 42-48) comprising a base (substrate) containing transparent or translucent plastic layers having multiple features affixed to the card such as text, signature field, holographic foil and opacity gradient (column 11, lines 56-67) where the plastic layers are viewed as the background layers.